REMARKS

The Office examined claims 1-27 and rejected same. With this paper, claims 1, 3-7, 9, 11-20 and 22-25 are amended, claims 2 and 21 are canceled, and new claims 28 and 29 are added. The application now includes claims 1, 3-20 and 22-19. Support for the newly added claims 28 and 29 can be found in paragraph [0125] of the published application US 2005/0046621. No new matter has been introduced by the amendment.

Claim Rejections under 35 USC §112

Claims 1-27 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With this paper, various claims are amended in view of the Examiner's comments on pages 2-5 of the Office Action. It is believed the basis for the rejection has been obviated by the amendment. Withdrawal of the rejection is requested.

Claim Rejections under 35 USC §101

Claims 1-23 are rejected because the claimed invention is allegedly being directed to non-statutory subject matter.

With regard to the allegation that claims 1-23 do not fall within any of the categories of patentable subject matter set forth in §101, the Applicant has amended independent claim 1 as well as various dependent claims thereof to recite a process that forms one or more positions (first position, middle position, third position, etc.) on a touch based user input device in response to one or more input signals. Thus, the process now produces a tangible result and is believed to be patentable.

Applicant respectfully requests the rejection under 35 USC §101 be withdrawn.

Claim Rejections under 35 USC §102

Claims 1-27 are rejected under 35 USC §102(b) as being anticipated by Tokioka *et al.* (U.S. Patent No. 6,255,604, Tokioka hereinafter).

The Applicant respectfully submits that the invention of Tokioka is different from the present invention as in the amended claims. Tokioka teaches determining the coordinates of simultaneously pressed two points on a touch panel. In Tokioka, if a first position signal input (i.e. a first touch of the panel) is detected at a first position A with coordinates x1 and y1, a second touch of the panel at a second position B results in a decrease of resistance between the point A and the point B and an increase in current in both x and y directions. The coordinates of position B, x2 and y2, are calculated by measuring the increases in respective current signals Δx and Δy, so that $x2 = x1+\Delta x$ and $y2 = y1+\Delta y$ (col. 6, lines 33-49 and Fig. 4).

Obviously, the device of Tokioka is not "configured to form a middle position on the device upon receiving a simultaneous dual point user input comprising at least two position signals" as recited in amended claim 1. The device of Tokioka allows for a simultaneous dual point user input and recognizes the two positions as such without forming a middle position.

The present invention, on the other hand, provides a solution for various input devices that do not normally allow for a simultaneous dual point (or multiple point) user input. For those resistive touch pads that do not allow multiple inputs, if, for example, a user touches the touch pad with two fingers, the device handles this as an error and assumes that the user actually intended to press a point that is the middle point of a line that connects these two input points (paragraph [0005]). Therefore, a middle position point is formed in response to the touches, instead of two separate position points. With the present invention, a method is provided for recognizing a multiple point user input on a touch based user input device that is originally capable of forming a single position (e.g. forming a middle position between a first position and a second position if the two positions are pressed simultaneously). By using the method of the present invention, the touch based user input device originally designed for single point input would be capable of recognizing a multiple position user input.

Because of the above difference between Tokioka and the present invention, the present invention is not anticipated by Tokioka. It follows that all the method and device claims of the present application are patentable. The Applicant respectfully requests the rejection of claims 1-27 under USC §102(b) be reconsidered and withdrawn.

Conclusion

For all the foregoing reasons, it is believed that all of the claims of the application are now in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if there are any questions.

Respectfully submitted,

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